

Pt. 502, Subpt. W, App. A

46 CFR Ch. IV (10–1–98 Edition)

APPENDIX A TO SUBPART W—EXAMPLE
OF COMPROMISE AGREEMENT TO BE
USED UNDER 46 CFR 502.604

Compromise Agreement

FMC File No. _____

This Agreement is entered into between:
(1) the Federal Maritime Commission,
hereinafter referred to as Commission, and
(2) _____, hereinafter referred to
as Respondent.

Whereas, the Commission is considering
the institution of an assessment proceeding
against Respondent for the recovery of civil
penalties provided under the [appropriate
statute], for alleged violations of section
_____;

Whereas, this course of action is the result
of practices believed by the Commission to
have been engaged in by Respondent, to wit:
[General description of practices and dates
or time period involved]

Whereas, the Commission has authority
under the Shipping Act of 1984 and the Ship-
ping Act, 1916, to compromise and collect
civil penalties; and,

Whereas, Respondent has terminated the
practices which are the basis for the allega-
tions of violation set forth herein, and has
instituted and indicated its willingness to
maintain measures designed to eliminate
these practices by Respondent, its officers,
directors or employees.

Now Therefore, in consideration of the
premises herein, and in compromise of all
civil penalties arising from the alleged viola-
tions, Respondent and the Commission here-
by agree upon the following terms and condi-
tions of compromise and settlement:

1. Respondent shall make a monetary pay-
ment to the Commission herewith, by bank
cashier's check, in the total amount of
\$_____.

2. Upon acceptance in writing of this
Agreement by the Director of the Bureau of
Enforcement of the Commission, this instru-
ment shall forever bar the commencement or
institution of any assessment proceeding or
other claim for recovery of civil penalties
from the Respondent arising from the al-
leged violations set forth above.

3. It is expressly understood and agreed
that this Agreement is not, and is not to be
construed as, an admission by Respondent to
the alleged violations set forth above.

(Respondent's Name)

By: _____
Title: _____
Date: _____

Approval and Acceptance

The above terms, conditions and consid-
eration are hereby approved and accepted:

By the Federal Maritime Commission:

Director, Bureau of Enforcement

Date: _____

[49 FR 44418, Nov. 6, 1984. Redesignated at 58
FR 27211, May 7, 1993, as amended at 61 FR
51233, Oct. 1, 1996]

**Subpart X—Paperwork Reduction
Act**

**§502.991 OMB control numbers as-
signed pursuant to the Paperwork
Reduction Act.**

This section displays the control
numbers assigned to information col-
lection requirements of the Commis-
sion in this part by the Office of Man-
agement and Budget (OMB) pursuant
to the Paperwork Reduction Act of
1980, Pub. L. 96-511. The Commission
intends that this section comply with
the Act, which requires that agencies
display a current control number as-
signed by the Director of OMB for each
agency information collection require-
ment:

Section	Current OMB control no.
502.27 (Form FMC.12)	3072-0001

[49 FR 44369, Nov. 6, 1984. Redesignated at 58
FR 27211, May 7, 1993]

PART 503—PUBLIC INFORMATION

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